

### **REMARKS**

Claims 1-8 are pending in the application.

Applicants have amended claims 1-5, 7, and 8, and have canceled claims 26-36 (claims 9-25 were previously canceled). These changes do not introduce any new matter.

#### **Claim Objections**

In response to the objection to claims 2 and 4, Applicants have amended claims 2 and 4 to correct the informalities cited by the Examiner. Accordingly, Applicants request that the objection to claims 2 and 4 be withdrawn.

#### **Rejection Under 35 U.S.C. § 102**

Applicants respectfully request reconsideration of the rejection of claims 1-8 and 26-36 under 35 U.S.C. § 102(b) as being anticipated by *Nitta* (Japanese Patent Publication No. 2001-186297) (as noted above, Applicants have canceled claims 26-36 herein). As will be explained in more detail below, the *Nitta* reference does not disclose each and every feature of independent claims 1, 7, and 8, as amended herein.

The claimed subject matter enables an image data generating device such as a digital still camera to relate image processing control information (i.e., scene-dependent image processing condition specification information), which specifies image processing conditions adopted in an image processing apparatus, to image data. The image processing control information is used to reflect the intention of a digital still camera user in image processing that is carried out by an image processing apparatus. The digital still camera generates image data in conditions that are temporally and spatially different from those for image processing.

As defined in claim 1, as amended herein, the image processing method includes, among other features, specifying a scene-dependent image processing condition suitable for a selected shooting scene, and retrieving scene-dependent image processing condition

specification information, which is related to target image data by a digital still camera, from acquired image data.

The *Nitta* reference discloses a technique for allowing an image processing apparatus to select and correct specifics for image processing to be carried out on image data by the image processing apparatus. As discussed above, the image processing control information is used by a digital still camera to specify image processing conditions for an image processing apparatus.

There is no disclosure in the *Nitta* reference (nor even any suggestion) of the concept that serves as the premise for the claimed subject matter, namely, enabling a digital still camera to relate image processing control information, which specifies image processing conditions adopted in an image processing apparatus, to image data. Consequently, the *Nitta* reference provides no disclosure (or suggestion) of scene-dependent image processing condition specification information (image processing control information), and provides no disclosure (or suggestion) of specifying a scene-dependent image processing condition suitable for a selected shooting scene, and retrieving scene-dependent image processing condition specification information, which is related to target image data by a digital still camera, from acquired image data.

Thus, for at least the foregoing reasons, the *Nitta* reference does not disclose each and every feature of independent claim 1, as amended herein. Each of independent claim 7, which defines an image processing apparatus, and independent claim 8, which defines a computer-readable storage medium, includes features that correspond to those specified in claim 1. As such, the *Nitta* reference does not disclose each and every feature of independent claims 7 and 8, as amended herein.

Accordingly, independent claims 1, 7, and 8 are patentable under 35 U.S.C. § 102(b) over *Nitta*. Claims 2-6, each of which ultimately depends from claim 1, are likewise

patentable under 35 U.S.C. § 102(b) over *Nitta* for at least the same reasons set forth above regarding claim 1.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-8, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP047).

Respectfully submitted,  
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